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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,937	12/27/2000	Steven D. Curtin	CURTIN 16	3480

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EXAMINER

SHIBRU, HELEN

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 08/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/747,937

Applicant(s)

CURTIN, STEVEN D.

Examiner

SHIBRU HELEN

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on February 9 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Arguments

1. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

This office action is not made final.

Claim objections

2. Claims 1, 5, 8, 10-15 and 17-22 are objected to because of the following informalities:

Claim 1: line 9-10, change "said given video tape" to "said given storage media."

Claims 5 and 8: line 3, change "electronic signal detection" to "electronic information signal detection."

Claims 10-15 and 17-22: lines 1-2, change "for storage media" to "for a video cassette player."

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 5-11, 13-15, 16-18, and 20-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Takayama (US Pat. No. 6,134,066).

Regarding claim 1, Takayama discloses an electronic write protect apparatus for storage media comprising:

at least one record/play element for reading and writing information

to/from said a given storage media (see col. 4 lines 25-31 and fig. 3 recording heads 12A and B and 13A and B),

a pre-existing electronic information signal detection element to read information from said given storage media (see col. 7 lines 49-60 and fig. 3 detection switch (26) and system controller (15)),

a record circuit, adapted to record on said-given storage media to activate and deactivate said at least one record/play element based on a mere existence of a pre-recorded signal already recorded on said given video tape as detected by from said pre-existing information signal detection element (col. 8 lines 35-54).

Regarding claim 2, Takayama discloses the electronic write protect apparatus for storage media comprising a plurality of record/play elements (see col. 4 lines 25-31 and fig. 3 recording heads 12A and B and 13A and B).

Regarding claim 3, Takayama discloses the electronic write protect apparatus for storage media said at least one record/play element is attached to a spinning element (see col. 4 lines 33-42 and fig. 3 drum (11)).

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Regarding claim 5, Takayama discloses the electronic write protect apparatus for storage media wherein said pre-existing electronic signal detection element is attached to said spinning element (the write protection information is superimposed on the video data by using the record/reproducing unit col. 8 lines 10-17).

Regarding claim 6, Takayama discloses the electronic write protect apparatus for storage media wherein said storage media is a video tape (see fig. 2 and col. 4 lines 7-16).

Regarding claim 7, Takayama discloses the electronic write protect apparatus for storage media wherein said storage media stores digital information (see col. 4 lines 49-65 and fig. 3).

Regarding claim 8, Takayama discloses the electronic write protect apparatus for storage media wherein said pre-existing electronic signal detection element is a record/play element (see col. 5 lines 28-48).

The method and means claims 9 and 16 are rejected for the same reasons as discussed in the corresponding apparatus claim 1 above.

The method and means claims 10 and 17 are rejected for the same reasons as discussed in the corresponding apparatus claim 2 above.

The method and means claims 11 and 18 are rejected for the same reasons as discussed in the corresponding apparatus claim 3 above.

The method and means claims 13 and 20 are rejected for the same reasons as discussed in the corresponding apparatus claim 5 above.

The method and means claims 14 and 21 are rejected for the same reasons as discussed in the corresponding apparatus claim 7 above.

The method and means claims 15 and 22 are rejected for the same reasons as discussed in the corresponding apparatus claim 8 above.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4, 12, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takayama in view of Yuen (US. Pat. No. 6487362).

Regarding claim 4, Takayama discloses the claimed invention except a stationary record/play element. Yuen discloses an apparatus for storage media wherein one record/play element is stationary (see col. 91 lines 47-55 and fig. 1 read (17) and write (19)). Therefore in light of the teaching in Yuen, it would have been obvious to one of ordinary skill in the art at the time of the invention to substitute a stationary record/play element for the write protect apparatus of Takayama because Yuen teaches a stationary record/play element provides an updated current information about the tape (see col. 4 lines 26-33).

The method and means claims 12 and 19 are rejected for the same reasons as discussed in the corresponding apparatus claim 4 above.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHIBRU, HELEN whose telephone number is 571 272 7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's primary, Ngoc-Yen Vu can be reached on 571 272 7320. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Helen Shibru
August 22, 2005


NGOC-YENVU
PRIMARY EXAMINER